

C J and V A Turnbull

30 January 2025

Lesley Hoskin

Chief Executive

Teaching Council Aotearoa New Zealand

Your response Letter - 19 December 2024

Dear Lesley

You explained that you worked through the points we raised in our letter to you dated 3/12/24 and carefully considered your reply. However, we are left perplexed. You failed to address our questions and concerns and are mistaken in your written response.

Pursuant to the OIA:

Please provide the dates each of the 5 teachers (Mary Erin Cairns, Hera Fisher, Victoria McDonald, Kay Schimanski, Paul Anderson-Kereti) were first notified (in writing, verbally or otherwise) of the Teaching Council decisions, in relation the Teaching Council complaints we made against them.

Firstly, *change at a system level* occurred because **New Zealanders** were shocked, horrified and outraged to hear students (mostly disabled students) were being shut in cupboards and storerooms at school, by teachers across the motu. Teachers and staff referred to these rooms as 'concrete bunker' and 'the cage'. Teachers called the use of rooms like this, 'quick and dirty'. The small storeroom used at Ruru Specialist School was "dark and grimy".

You are mistaken that the named teachers in our teacher complaints have been investigated by the Ombudsman and the NZ Police. **That is false.**

The Council initially misconstrued the 23 various complaints against 5 individual teachers replying, *"The Teaching Council conducts investigations into allegations of teacher misconduct. We do not investigate school's per se"* - when **none** of the complaints submitted to the Teaching Council were against Ruru Specialist School (the school).

We are enraged that you have misconstrued the Ombudsman and the NZ Police investigations, stating "teachers named in your complaint have been investigated", when those authorities investigated Ruru (the school).

Similarly, we raised concerns, with evidence, about Ministry of Education staff who were deceptive during Police and agency inquiries. Like you, the Ministry head used the Ombudsman investigation to deflect, fabricating investigations of the individuals.

We wrote to the Chief Ombudsman Peter Boshier in 2024 for clarification on this matter, which resulted in the Ministry of Education being asked to reword their response letter to us and referring some matters back to Police.

The Chief Ombudsman investigated; whether Ruru (the school) acted unlawfully, unreasonably, unjustly, oppressively, or improperly discriminatory by using its 'safe room' to manage our son's behaviour.

The Chief Ombudsman's opinion was Ruru (the school) acted unreasonably. It failed to consult. It failed to record. The room was unsuitable in location and form.

As we explained in the letter we wrote to you, the Chief Ombudsman **did not** investigate individual teachers. He investigated the school's use of seclusion in relation to our son.

NZ Police **did not** investigate the named teachers in our teacher complaints. As advised the Police investigation was into the use of the seclusion room at Ruru (the school).

To add to this the Police investigation was flawed because Christine Menzies, Ministry of Education representative during the investigation, **withheld** Ministry of Education Guidelines from Police.

Phil Straw, the Teaching Council representative during the Police investigation, also **did not** provide Police the Ministry of Education Guidelines when Police made requests to him.

As detailed in our complaints (and letter to you dated 3/13/24) all of the named teachers refused to talk to investigating Police in 2016. Teachers refusing to talk to Police, when their school was under investigation surprised Hekia Parata, the Minister for Education at the time, who had not heard of any teachers ever invoking their right not to talk to Police. We are surprised the teachers' actions met the professional standards for teachers and did not raise concern with the Council.

Also, of relevance to both Ombudsman and Police investigations, the above-mentioned response from the Office of the Ombudsman in 2024, included a comment in relation to the lawfulness of such rooms, ***"ultimately that would have been a matter for the courts to decide."***

You are also mistaken when you say you do not have any additional information than what was available to the Police and Ombudsman to reach a different outcome. We provided evidence and information that was directly related to the individual teacher complaints we made. The Ministry of Education Investigation into Ruru School, Police, Ombudsman and Whanaketia reports along with our signed Witness Statement should have provided invaluable information for your team.

The individual teacher complaints we made to your Council included Policies and Procedures breaches, deception and dishonesty, providing misleading information during an investigation, misleading parents, the Board of Trustees and school community – to name just a few.

These teachers that we had trusted were guided by Education Council Code of Ethics for registered teachers. Professional interaction of teachers was governed by four fundamental principles,

- **Autonomy:** to treat people with rights that are to be honoured and defended
- **Justice:** to share power and prevent the abuse of power
- **Responsible care;** to do good and minimise harm to others
- **Truth;** to be honest with other and self

You and your Executive team have failed to uphold these principles and are therefore complicit in wrongdoing and cover-up.

Many, many students were being harmed by cruel and inhumane treatment in our schools, while agencies looked the other way. Of course, many caring families did not (and still do not) know this abuse happened to their children, so are unable to complain. Like other types of abuse, it is easy to keep secret, especially when the person being abused has challenges communicating.

There was no oversight then - and there is none now. There was no accountability - and there is none now because even though seclusion in schools is against law – the offence holds no penalty, so Police would unlikely pursue a seclusion complaint.

Prior to new legislation in 2017, the Ministry of Education did not know which schools and teachers were secluding students and they do not know now. ERO rely on schools to self-report the abuse.

As parents and advocates, it saddens us to still hear about children being secluded and restrained at school in New Zealand. It is never appropriate to force a child, alone, into a small storeroom and not let them out. Seclusion has no place in our schools.

Finally, you are unlikely to find yourself working alongside us in this important space. You failed to recognise wrongdoing and act. You have compounded the harm and left us ignored.

This poignant quote from Whanaketia encapsulates our experience with Teaching Council of Aotearoa New Zealand, and other agencies.

"For decades, survivors repeatedly called for justice but were unheard, disbelieved, ignored and silenced. Their experiences were minimised or dismissed, and they were told abuse and neglect in care was not systemic. When they did receive recognition it was often piecemeal, insincere, and fell far short of any notions of fair redress. Even this paltry redress took years or decades to extract from State and faith-based entities. Political and public service leaders spent time, energy and taxpayer resources to hide, cover up and then legally fight survivors to protect the potential perceived costs to the Crown, and their own reputations."

Callum and Victoria Turnbull



Parents

cc:

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